

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

UNITED STATES OF AMERICA)
)
)
v.)
)
)
CHARLES ROBERTS)
_____)

PLEA AGREEMENT

The Office of the United States Attorney for the Southern District of Florida ("this Office") and the defendant, CHARLES ROBERTS, enter into the following agreement:

1. Pursuant to Rule 7(b) of the Federal Rules of Criminal Procedure, the defendant agrees to waive indictment and to plead guilty to an Information which charges him with making material false statements, in violation of Title 18, United States Code, Section 1001(a)(2). The defendant also agrees that prior to the time of sentencing, he will resign from the Hollywood Police Department and voluntarily surrender all law enforcement certifications he holds. This plea agreement is intended to resolve the defendant's federal criminal liability in the Southern District of Florida arising out of any criminal conduct by the defendant known to this Office as of the date of this plea agreement.

2. The defendant is aware that the sentence will be imposed by the Court after considering the Sentencing Guidelines. The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will

commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offense identified in paragraph 1 and that the defendant may not withdraw his plea solely as a result of the sentence imposed.

3. The defendant understands and acknowledges that as to the violation of Title 18, United States Code, Section 1001, the Court may impose a maximum term of five (5) years in prison, followed by a term of supervised release of up to three (3) years. In addition, the Court may impose a fine of up to \$250,000, and must impose a special assessment of \$100, which the defendant agrees to pay at the time of sentencing.

4. This Office reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offense committed and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

5. The defendant is aware that his sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that he may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

6. This Office agrees that it will recommend that the Court reduce by two levels the guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. In addition, if the defendant qualifies for the reduction for acceptance of responsibility, then this Office will also recommend that the defendant be sentenced at the low end of the guideline range determined by the Court. However, this Office will not be required to make these recommendations if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to this Office prior to entering into this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to

committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official.

7. This Office and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court find that the base offense level for defendant's offense is Level 6, based on Sentencing Guidelines Section 2B1.1(a)(2), and that the cross-references found in Section 2B1.1(c) are not readily provable or applicable.

8. This Office and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend both that the Court impose a sentence within the advisory sentencing guideline range produced by application of the Sentencing Guidelines, and that the Court neither depart upward nor downward when determining the advisory sentencing guideline range in this case.

9. The defendant is aware that Title 18, United States Code, Section 3742 affords the him the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or an upward variance from the guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from

the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney. The defendant further agrees, together with the United States, to request that the Court enter a specific finding that the defendant's waiver of his right to appeal the sentence to be imposed in this case was knowing and voluntary.

10. This agreement constitutes the entire agreement and understanding between this office and CHARLES ROBERTS. There are no other agreements or understandings between the parties.

Respectfully submitted,
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

DATE: _____ By: _____
Christopher J. Clark
Assistant United States Attorney

DATE: _____ By: _____
Edward N. Stamm
Assistant United States Attorney
Senior Litigation Counsel

DATE: _____ _____
Edward R. Shohat, Esq.
Counsel for Defendant

DATE: _____ _____
Charles Roberts
Defendant